

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JUN 30 2016

Clerk, U.S. District Court
District Of Montana
Missoula

CLIFTON RAY OLIVER,

Plaintiff,

vs.

GUY BAKER, GEOFF CURTIS,
SEAN MANRAKSA, OFFICER
BLAKELY, and OFFICER KANEFF,

Defendants.

CV 14-84-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered an order, findings, and recommendations in this case on June 7, 2016, denying Plaintiff Clifton Ray Oliver's ("Oliver") renewed motion for subpoenas, and recommending that Defendants' motions for summary judgment be granted, Oliver's motion for summary judgment be denied, and this long-running case be dismissed. Oliver did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error

exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch’s conclusions that: (1) Counts 1, 3, 9, 10, 12, 13, 14, and 15 of Oliver’s Amended Complaint should be dismissed because there was probable cause to arrest and prosecute Oliver for the crime of promoting prostitution; (2) Count 8 should be dismissed because Oliver had no expectation of privacy in the Staybridge Suite’s business records, and because Defendants’ use of an activated hotel room keycard did not constitute a Fourth Amendment violation; (3) Count 11 should be dismissed because Oliver failed to present sufficient evidence to support a slander or libel claim; (4) Count 17 should be dismissed because Oliver failed to present plausible evidence to support a spoliation claim; and (5) Oliver failed to demonstrate a discriminatory purpose on Defendants’ part sufficient to support an equal protection claim. The Court agrees with Judge Lynch’s ultimate conclusion that Oliver’s allegations in this case are both frivolous and baseless.

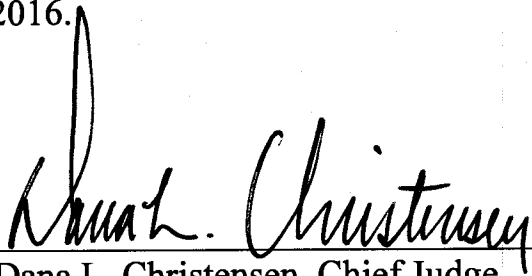
Accordingly, IT IS ORDERED that Judge Lynch’s findings and recommendations (Doc. 144) are ADOPTED IN FULL. Defendants respective

motions for summary judgment (Docs. 103 & 109) are GRANTED. Oliver's motion for summary judgment (Doc. 128) is DENIED. This case is DISMISSED WITH PREJUDICE, and the Clerk of Court shall enter judgment in favor of Defendants.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

Oliver's claims are frivolous and malicious.

DATED this th30 day of June, 2016.



Dana L. Christensen, Chief Judge
United States District Court